

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

CRIMINAL NO. 99-077(JAF)

**FEDERICO VILLARMAN OVIEDO,
Defendant.**

**UNITED STATES MOTION IN RESPONSE TO
DEFENDANT'S REQUEST FOR NEW TRIAL**

TO THE HONORABLE JUDGE:

COMES NOW, the United States of America, through the undersigned attorney's and very respectfully states as follows:

1. This defendant seeks a new trial based on the fact that the District court did not allow him to impeach a government witness. Defendant alleges he is entitled to the above relief based on the case of Crawford v. Washington, 541 U.S. 36 (2004).

2. Rule 32 of the Federal Rules of Criminal Procedure specifically states that the court may vacate any judgment and grant a new trial if the interest of justice so requires. The motion for new trial must be filed within 3 years after the verdict or finding of guilty, that is, if the request is made on newly discovered evidence or, if on other grounds, the request should be filed within 7 days.

3. Defendant's request is therefore untimely; further the basis for such request appears to be that he was denied the right to cross-examine a witness. Under those bases, he must have filed a timely appeal before the First Circuit.

WHEREFORE, the United States submits that defendant's motion should be denied.

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RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 15th day of April, 2005.

H.S. GARCIA
United States Attorney

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was sent by regular U.S. mail to: Federico Villarman Oviedo, Reg. No. 17368-069, Federal Correction Complex, P.O. Box 1031, Coleman, Florida 33521.

Sonia Torres